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August 9, 2021

VIA ECF & E-MAIL

United States District Court
Southern District of New York
Attn: Gregory H. Woods, U.S.D.J.
500 Pearl Street, Courtroom 12C
New York, NY 10007-1312
woodsnyisdchambers@nysd.uscourts.gov

Re: Molina v. Hornblower Group, Inc., *et al.*
Case No.: 1:20-cv-10821 (GHW) (OTW)
Opposition to Defendants' Letter Motion Regarding Discovery

Dear Judge Woods:

This office represents the Plaintiff in the above-referenced case. Plaintiff writes to oppose Defendants' request for relief pertaining to a purported dispute concerning the black-and-white Civil Case Management Plan and Scheduling Order (hereinafter the "Scheduling Order").

While the Scheduling Order provides for expert discovery, in general, it specifically provides that:

Every party-proponent of a claim (including any counterclaim, cross-claim, or thirdparty claim) that intends to offer expert testimony in respect of such claim must make the disclosures required by Fed. R. Civ. P. 26(a)(2) **by July 30, 2021.**

In this case, Plaintiff determined that he does not wish to offer expert testimony. As such, to the extent that Defendants intended to offer any such expert testimony, the onus was on them to make the required disclosures. Here, Defendants failed to do so, and – as such – are not entitled to offer any expert testimony.

To wriggle themselves out of this quandary, Defendants anticipatorily argue that they seek to offer rebuttal expert testimony. However, this argument is illogical; there is nothing to rebut. Accordingly, Plaintiff respectfully submits that Defendants' letter motion be denied.

Plaintiff thanks Your Honor for its time and attention to this case.

Dated: Forest Hills, New York
August 9, 2021

Respectfully submitted,

SHALOM LAW, PLLC

/s/ Jonathan Shalom

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